

# HOUSE BILL 1333

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By: **Delegates Valderrama and Vallario**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Torts – Pets – Injury or Death**

3 FOR the purpose of altering the measure of compensatory damages that may be  
4 awarded to an owner of a pet for tortious death of, or injury to, the pet; making  
5 clarifying changes; providing for the application of this Act; and generally  
6 relating to compensatory damages for tortious death of, or injury to, a pet.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 11–110  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2009 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 11–110.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Compensatory damages” means:

18 (i) In the case of the death of a pet, the **GREATER OF:**

19 **1. THE** fair market value of the pet **IMMEDIATELY**  
20 before [death and] the **TORTIOUS ACT OR OMISSION THAT CAUSED THE DEATH; OR**

21 **2. THE** reasonable and necessary cost of veterinary care  
22 **RESULTING FROM THE TORTIOUS ACT OR OMISSION; [and] OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) In the case of an injury to a pet, the **GREATER OF:**

2 **1. THE DIFFERENCE BETWEEN THE FAIR MARKET**  
3 **VALUE OF THE PET IMMEDIATELY BEFORE THE TORTIOUS ACT OR OMISSION**  
4 **THAT CAUSED THE INJURY AND THE FAIR MARKET VALUE OF THE PET**  
5 **RESULTING FROM THE TORTIOUS ACT OR OMISSION; OR**

6 **2. THE reasonable and necessary cost of veterinary care**  
7 **RESULTING FROM THE TORTIOUS ACT OR OMISSION.**

8 (3) (i) "Pet" means a domesticated animal.

9 (ii) "Pet" does not include livestock.

10 (b) [(1)] A person who tortiously causes an injury to or death of a pet while  
11 acting individually or through an animal under the person's direction or control is  
12 liable to [the] AN owner of the pet for compensatory damages.

13 [(2) The damages awarded under paragraph (1) of this subsection may  
14 not exceed \$7,500.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
16 construed to apply only prospectively and may not be applied or interpreted to have  
17 any effect on or application to any cause of action arising before the effective date of  
18 this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2010.